

New open records law discussed

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By Bradley Schlegel

LANSDALE — As a lawyer with the Philadelphia School District, Dena Lefkowitz said she had complied with only public requests for financial documents and meeting minutes.

But things have changed.

Lefkowitz, currently the senior staff attorney for the Pennsylvania Open Records Office, called the new environment for compliance nearly absolute.

Since the Jan. 1 implementation of the Open Records Act, the burden of proof to deny disclosure of any information has shifted completely to each government agency.

The new law assumes all documents are public, according to Lefkowitz.

"It's a huge change," she said. "And a pretty significant legal burden."

Pennsylvania's previous Right To Know Law was considered one of the country's least transparent, according to Lefkowitz.

She said the current standard, signed last February by Gov. Ed Rendell, pushed the commonwealth's standing to the top third nationwide.

Lefkowitz addressed the concerns of municipal officials from Bucks and Montgomery counties Friday morning during a workshop at Marjeane Catering in Lansdale. It was sponsored by the law firm of Dischell, Bartle, Yanoff & Dooley of Lansdale.

She explained the state agency's response requirement and the appeal process, which must be filed with the open records office within 15 days of a denial.

Applications must be for a specific document or memorandum, according to Lefkowitz.

"A request for every e-mail in a six-month period is too vague," she said.

Within five business days, the public agency must either grant the request, deny it or file for a 30-day extension.

Denials — allowed under 30 exceptions, which include protecting personal and financial information as well as confidential source records and victim information — must include a specific legal reason beyond a reference to case law or a specific statute and the method by which an appeal can be filed, according to Lefkowitz.

She said a case needs to be made as to why certain information should remain secret.

Documents under the control of each agency — not those that have been destroyed — must be provided to an applicant, according to Lefkowitz.

She said that each agency sets its own policy to keep information as well as comply with anonymous requests.

Recordings of public meetings fall under the law's jurisdiction, according to Lefkowitz.

She said a policy, formulated by each agency, would determine when the audio could be erased.

Informational requests in Montgomery Township have not peaked in the last two months, according to Pam Gural-Bear, the municipality's assistant manager and public information officer.

She was among local officials attending the workshop.

She said most of the requests cover land development and zoning plans.

Most recently, a New Jersey law firm has requested real estate tax information, according to Gural-Bear.

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